

(1970) 03 MAD CK 0016
In the Madras High Court
Case No : Writ Appeal No. 662 of 1969

S. Rengaswamy

APPELLANT

Vs

V.R. Sathiah Pillai and Others

RESPONDENT

Date of Decision : 20-03-1970

Acts Referred:

Constitution of India, 1950 — Article 226

Tamil Nadu Cinemas (Regulation) Rules, 1957 — Rule 103, 3, 99

Citation : (1970) ILR (Mad) 754

Hon'ble Judges : K. Veeraswami, C.J.; Gokulakrishnan, J

Bench : Division Bench

Advocate : K.K. Venugopal, for the Appellant; R.D. Indrasenan, N. Srivatsamani and S. Mohan, Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

K. Veeraswami, C.J.—We are inclined to agree with the conclusion of Alagiriswami J., but for different reasons. The first Respondent had

applied for location of a travelling cinema in respect of a piece of land which was a mile away from the permanent cinema of the Appellant. On the

undertaking of the first Respondent that he would have a shed with steel girders angles, trusses and asbestos sheets, the Board of Revenue at the

appellate stage held that there was no contravention of Rule 103 of the Madras Cinemas (Regulation) Rules, 1957. The petition under Article 226

of the Constitution was to quash the order granting a no objection certificate to the first Respondent for a travelling cinema. The learned Judge was

of opinion that since the shed aforesaid could not be regarded as a permanent building, it might well be regarded as a kind of semi-permanent

building, that is a temporary building as defined in Rule 3(i). We are of opinion that the definition of a permanent building and a travelling cinema

and the entries in Form A. particularly, entry 4, clearly show that the character or composition of the building does not enter into the concept of

travelling cinema. In other words, whether a cinema is a travelling cinema or not will have to be decided mainly from the standpoint whether it is

meant to be taken from place to place for giving exhibition. Rule 99(b) is:

"travelling cinema" shall mean -(i) an outfit comprising the cinema apparatus and plant and the enclosure taken from place to place in the State of

Madras for giving cinema exhibitions; or

(ii) an outfit comprising cinema apparatus and plant taken from place to place in the State of Madras for conducting shows in the local theatre or

halls.

The second part of the definition demonstrates that there can be a travelling cinema in a local theatre or hall, which would, of course, be a

permanent building, not capable of being taken from place to place. The enclosure in the first part of the definition does not necessarily indicate that

it must be part of a travelling cinema. Where an enclosure is a movable and can be taken from place to place, that may well form part of the

travelling cinema. In fact, the definition describes the travelling cinema as a kind of outfit comprising of this and that. We are of opinion, therefore,

that the place in which it is to be located is not the distinguishing feature of a travelling cinema. What distinguishes a travelling cinema is that the outfit

comprising the cinema apparatus and plants should be such as it meant for being taken from place to place.

2. On that view, the appeal is dismissed. No costs.